

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEREMIAH JOHNSON,
Petitioner,

No. C 07-6510 MHP (pr)

ORDER OF DISMISSAL

v.

JAMES TILTON,
Respondent.

On August 1, 2008, the court found that the petition for writ of habeas corpus stated only one claim for relief, i.e, that petitioner's right to due process was violated because petitioner was not informed of a mandatory parole term, and ordered respondent to show cause why the petition should not be granted on that one claim. Thereafter, petitioner sent a letter to the court withdrawing the claim because he had learned (after filing the petition) that he had been informed of the parole term. Later still, respondent moved to dismiss on the ground that petitioner had withdrawn the only claim found cognizable. Petitioner did not oppose the motion to dismiss. Accordingly, the motion to dismiss is GRANTED. (Docket # 8.) This action is DISMISSED because petitioner has conceded that there is no factual basis for his due process claim. The clerk shall close the file.

IT IS SO ORDERED.

DATED: December 18, 2008


Marilyn Hall Patel
United States District Judge